

FEB 26 2024

UNITED STATES DISTRICT COURT
for the

US DISTRICT COURT
WESTERN DISTRICT OF NC

Rashaud Hussein Gear El d/b/a
LOVE, JEREMY RASHAUD d/b/a
JEREMY RASHAUD LOVE

Petitioner

Cabarrus County, et al. Mike Downs;
Cabarrus County Court, Brock Vanscooter, Decker Barlowe
Cabarrus County Jail, Van Shaw
Concord City Police, Angel Gonzalez

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 3:24-cv-243

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Rashaud Hussein Gear El d/b/a JEREMY LOVE
- (b) Other names you have used: Jeremy Love (all lower case)
2. Place of confinement:
 - (a) Name of institution: Cabarrus County, Cabarrus County Jail
 - (b) Address: P.O. Box 790 Concord NC, 28025
 - (c) Your identification number: 26033
3. Are you currently being held on orders by:

☐ Federal authorities ☐ State authorities ☒ Other - explain: Cabarrus County, Mike Downs, Concord Police Detective Angel Gonzalez, Cabarrus County Magistrate, Brock Vanscooter, Decker Barlowe
4. Are you currently:

☒ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☐ Being held on an immigration charge

☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Cabarrus County, Cabarrus County Court, Cabarrus County Jail, Cabarrus County Court, Concord Police Department
 (b) Docket number, case number, or opinion number: 22 CAS 050296, 23 CA 309671-120
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): I am being illegally detained by Cabarrus County, I have been imprisoned and held for ransom without being adjudged guilty. My Trust is being held in illegal restraint by a foreign government, and agents
 (d) Date of the decision or action: 01/26/22, 05/17/23

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Cabarrus County, Cabarrus County Jail, Cabarrus County Court, Concord Police Department
 (2) Date of filing: 11/21/23
 (3) Docket number, case number, or opinion number: _____
 (4) Result: Response: This is not a grievable matter
 (5) Date of result: 11/22/23
 (6) Issues raised: being held against life liberty & property, first amendment, The 11th amendment of the U.S. Constitution, Trust being held in illegal restraint of trade and commerce 15 USC 1 and 8, also failed to provide the Registration statement pursuant to foreign Registration Act of 1977 above agents and agencies are participating in prohibit trade practices 15 USC 78dd-1, 78f and failed to produce the Magistrate/Judge Anti Bribery Statement 18 USC 201, Violation of

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- ☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Cabarrus County, Cabarrus County Jail, Cabarrus County Court, Concord Police Department
- (2) Date of filing: 12/07/23 15:45
- (3) Docket number, case number, or opinion number: NONE
- (4) Result: I will forward it
- (5) Date of result: 12/07/23 15:46
- (6) Issues raised: conspiring in the violation of 15 U.S.C. section 1 and 8, committing securities fraud by labeling civil actions criminal and turning notes, not filed in court selling them globally, obstructing of justice by failing to respond to motions, participating in prohibited trading acts 15 USC 77dd, 77f, failing to produce Magistrate Ant. bribery statement, violation of 18 U.S.C. 2389 Trafficking Counterfeit goods violation of 25-3-305, 3060 defense and rights to recoupment

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

The Superior Clerk of Court response stating "I will forward it."

I have not received a response

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals? _____

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____
- _____
- _____
- _____

(d) Did you appeal the decision to the United States Court of Appeals?

☒ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: Declaratory of jurisdiction, Bill of attainder, Writ of equity, Motion to dismiss
- (b) Name of the authority, agency, or court: Cabarrus County Court

- (c) Date of filing: 06/13/23, 08/18/23, 09/30/23
- (d) Docket number, case number, or opinion number: 22 CR 050296, 23 CR 309671-120
- (e) Result: No result / No reply
- (f) Date of result: Not answered
- (g) Issues raised: Failure to produce certified copy Delegation of authority, oath of office, corporate liability, fraud, lack of personal jurisdiction, lack of subject matter jurisdiction, Prearrestation statement, failed to produce Magistrates Anti-Bribery statement prohibited Trade Practices, Long-arm jurisdiction failure, failure to produce a insured party under common law, Failure to state a claim which relief can be granted,

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of Article III, section one and two of the United States Constitution, and Article 10

(a) Supporting facts (Be brief. Do not cite cases or law.):

On 06/13/23 I filed a Bill of Attainder demanding the Plaintiff to produce a certified copy of Delegation of Authority, and copies of the oath of office, of judges Prosecutors, Agents clerks, or anyone who has touched the case. Respondent failed to answer.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: The above names respondents are in violation of 15 U.S.C. §1, 15 U.S.C 78dd-1, 781, 5 USC, 26 USC coll 18 USC 201

(a) Supporting facts (Be brief. Do not cite cases or law.):

On 05/30/23 Filed a motion, to Dismiss, Notice to Court, Special Appearance Demand Proof of Entry, Facts cause by responded, No consent to submit to jurisdiction, demanding information in regards to public disclosure, and Foreign registration Act, and Bribery Respondent fail to answer

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: That the above agency and Agents are conspiring to commit securities fraud

(a) Supporting facts (Be brief. Do not cite cases or law.):

On 12/28/23 I filed a private settlement agreement explaining above agency and agents fraud by using the petitioner as a Trust and depositing notes in depositant that are liability instruments, treating them as Draft endorsing them on the back as payee and sending love as the payee of the check as I am the contracting and no contracts are entered into without my signature.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

GROUND FOUR:

Cabarrus County chief judge failed to act in Good Faith and neglected his duties as fiduciary

(a) Supporting facts (Be brief. Do not cite cases or law.):

On 1/23/24 I appointed chief judge Marty B. McGee fiduciary via Kiosk and requested that He settle and close the Account on case 23cr309671-120

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I was told that the Grievance system for cabarrus county jail was for the jail only, and there is no available way to file a grievance on a judge or court official given on Kiosk or

Request for Relief

15. State exactly what you want the court to do:

Dismiss the case in Superior Court Cabarrus County under Rule 12(b)(6), change venue to United States Middle District, remedy for unlawful detention. Discharge the petitioner, Discharge the petitioner under the ward of Cabarrus County Jail Van Shaw, Settle and close the account Release the petitioner from detention.

Other appeals cont.

(a) Kind of petition: motion or application:
Declaration / Letter for Prognostic Relief, Amended Private Settlement

(c) Date of filing:
10/19/23

(d) Result:
No Result

(f) Date of result: No Reply

(e) Issues Raised: Not a competent court per Article III of the Constitution, conspiracy and fraud by taking civil claims and labeling them criminal and selling securities, by turning everything filed in the court into a negotiable instrument and selling them globally, violation of anti-trust law, violation of UCC 305, 306. Violation of unfair trade practices, failing to pay taxes by failing to produce the 1099oid showing me as the recipient of funds. Interference by the clerk of court of Cabarrus County. By not filing documents

Issue continued

Per 18 USC 3142 Release or detention of Defendant pending trial

- a) In General - upon appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that's pending trial, the person be
 - a) released on a condition or combination of condition under subsection (C) of this section
 - 3) temporarily detained to permit revocation of conditional release, deportation, or exclusion under subsection (d) of this section; or exclusion under subsection (d) of this section; or detained under subsection (e) of this section.

b) Release on Personal Recognizance or Unsecured Appearance Bond-

The judicial officer shall order the pretrial release of the person on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a federal, state or local crime during the period of release and subject to the condition that the person cooperates in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000

42 USC 14135(a) unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States and subject of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizen of the United States nor shall any state deprive any person of life liberty or property without due process of law; nor deny to any person within its jurisdiction equal protection of the laws.

In Frank v Mangum, the court held that a conviction obtained in a mob-dominated trial violated due process; if the state

supplying no corrective process, carries into execution a judgment of death or imprisonment based upon a verdict produced by mob domination, the state deprives the accused of his life, liberty without due process. The court has stated numerous times that the 14th Amendment requires some form of corrective process when defendant alleges a federal constitution violation.

Importance of the magna carta states that basic rights may not be denied by government. Rights of the governed could not be violated.

Futhermore the clauses incorporated within the 5th Amendment as capable of breaking down into the following five distinct Constitutional Rights

- 1) Right to indictment by jury before any criminal for,
- 2) A prohibition on
- 3) A right against forced
- 4) A guarantee that all criminals have a fair trial
- 5) A guarantee that, cannot seize private property without making a due compensation

To date, Respondents have been unable or unwilling or neglecting to grant or respond to motions to dismiss or Pre Trial Release. Moreover standin counsel Gordon Belo has not contacted petitioner since being appointed stand by counsel, nor has spoken to petitioner and has refused or neglected to file motions that petitioner has requested, has not provided effective assistance of counsel.

I, Reshaud Hussien Acar El qtkk Serimy A Love d/b/a SERIMY A LOVE[®] has been detained for over 9 months I am not a flight Risk or a danger to the community.

My detention is no longer justified under the constitution and my 8th Amendment Rights have been violated. The 11th Amendment has been violated by the respondent. The 8th Amendment of the United States Constitution protects citizens from excessive bail, fines, and cruel and unusual punishment. The 11th Amendment does not extend judicial power to any suit in equity, commenced or prosecuted one of the United States by citizen of another state or subjects of any foreign state.

Petitioner submits that his pretrial detention violates his Constitutional Rights laws, treaties. That the prolonged detention and the court officials negligent due diligence is no longer justified under the Constitution. Petitioner seeks an order from this court declaring his continued and prolonged detention unlawful and ordering Respondants to Release Petitioner from their custody.

Petitioner is presently in custody under Respondants under the color of authority of the United States and such custody is in violation of the Constitution, laws and treaties of the United States Republic Constitution.

Respectfully submitted

Joshua N. N. N.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

02/20/24

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 00/20/24

02/20/24

Josko M. Puzin et al.

Signature of Petitioner

Signature of Attorney or other authorized person, if any